

REMARKS/ARGUMENTS

Claims 1-27 are pending in this Application.

In the Office Action, claims 1-27 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Claims 1-27 would be allowable over the cited references.

Double Patenting Rejection

In response to the Final Office Action mailed August 26, 2008 and the Advisory Action mailed October 10, 2008, Applicants filed terminal disclaimers with the USPTO on January 30, 2009. A copy of the electronic filing receipt is submitted herewith.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Applicants respectfully submit that Applicants' timely submission of the requested terminal disclaimers constitute "a complete and proper reply as the condition of the application may require" under 37 C.F.R. § 1.135(b) as the condition of the application merely required the filing of the terminal disclaimers.

Additionally, Applicants respectfully submit that Applicants' timely submission of the requested terminal disclaimers constitute a *bona fide* attempt to advance the Application to a notice of allowance as the filing of the terminal disclaimers were the only outstanding requirements. Accordingly, if consideration of some matter or compliance with some requirement has been inadvertently omitted, Applicants respectfully request a new time period for reply under § 1.134 to supply the omission or have this submission considered.

Applicants respectfully submit that the failure to submit a cover letter, supplemental response to the Final Office Action, or formal response to the Advisory Action merely alerting the Examiner to the filing of the terminal disclaimers, at the most may be considered as an incomplete reply but still a *bona fide* attempt to advance the Application to a notice of allowance. M.P.E.P. § 714.03 suggests that an Examiner may treat an amendment not fully responsive to a nonfinal Office Action by accepting the amendment as an adequate reply to

the nonfinal Office Action to avoid abandonment under 35 U.S.C. 133 and 37 CFR 1.135. The condition of the application did not require any amendment other than the filing of the terminal disclaimers. Thus, the Examiner may use the guidance above to treat the filing of the terminal disclaimers as "an adequate reply."

Additionally, where a terminal disclaimer is filed in an application pending in a TC, it will be processed by the paralegal of the Office of the Special Program Examiner or appropriate Quality Assurance Specialist (QAS) of the TC having responsibility for the application under M.P.E.P. § 1490(IV). The paralegal will:

- (A) Determine compliance with 35 U.S.C. 253 and 37 CFR 1.321 and 3.73, and ensure that the appropriate terminal disclaimer fee set forth in 37 CFR 1.20(d) is/was applied;
- (B) **Notify the examiner** having charge of the application whether the terminal disclaimer is acceptable or not; M.P.E.P. § 1490(IV)

Under M.P.E.P. § 1490(IV), an Examiner is required to notify the applicant of any informalities in the next Office Action, or by interview with applicant if such will expedite prosecution of the application. Accordingly, the Examiner telephone the undersigned representative on October 9, 2009 indicating that the filed terminal disclaimers should have been accompanied by an amendment. Applicants submit that supplemental response at the request of the Examiner formally notifying the Examiner of the filed disclaimers.

Applicants respectfully submit that no further fee is due. However, the Commissioner is hereby authorized to charge any additional fees associated with the filing of this paper, the filing of the terminal disclaimers, or during the pendency of the application, or credit any overpayments, to Deposit Account No. 20-1430.

Supp. Response dated October 13, 2009

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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Electronic Acknowledgement Receipt

EFS ID:	4707905
Application Number:	10731623
International Application Number:	
Confirmation Number:	8904
Title of Invention:	Method of and system for determining if an electronic signature is necessary in order to commit a transaction to a database
First Named Inventor/Applicant Name:	Srinivasulu Puri
Customer Number:	51206
Filer:	Sean Franklin Parmenter/Linda Shaffer
Filer Authorized By:	Sean Franklin Parmenter
Attorney Docket Number:	021756-005300US
Receipt Date:	30-JAN-2009
Filing Date:	08-DEC-2003
Time Stamp:	14:59:33
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$280
RAM confirmation Number	290
Deposit Account	201430
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer Filed	005300_td1.pdf	78952 4a7288a0de42d7878126656dc6c3e02267048231	no	1

Warnings:

Information:

2	Terminal Disclaimer Filed	005300_td2.pdf	78950	no	1
			44d176f66a2229f5107a5ad4f91bd37d2a1e6d		

Warnings:

Information:

3	Fee Worksheet (PTO-06)	fee-info.pdf	29748	no	2
			ce8396c93734eac7a16d6ed32ee7e7939970cf		

Warnings:

Information:

Total Files Size (in bytes):		187650
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.